United Nations A/70/314

General Assembly

Distr.: General
12 August 2015

Original: English

Seventieth session
Item 72 of the provisional agenda*
Right of peoples to self-determination

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Report of the Secretary-General

Summary

In its resolution 69/164, the General Assembly requested the Secretary-General to submit a report to the Assembly at its seventieth session on the universal realization of the right of peoples to self-determination. The present report is submitted in accordance with that request.

The report provides a summary of the main developments relating to the realization of the right to self-determination within the framework of the activities of the main organs of the United Nations and those of its human rights mechanisms since the submission of the last report (A/69/342).

* A/70/150.

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I. Introduction

1. The General Assembly, in its resolution 69/164, reaffirmed the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination.

2. The present report is submitted in accordance with paragraph 6 of resolution 69/164, in which the Assembly requested the Secretary-General to report on this question at its seventieth session.

3. The report provides a summary of the main developments relating to the realization of the right to self-determination within the framework of the activities of the main organs of the United Nations and of its human rights mechanisms since the submission of the last report (A/69/342). It summarizes the main observations relating to the right to self-determination made by the Secretary-General in his latest report to the Security Council on the situation concerning Western Sahara (S/2015/246). The present report also reviews resolutions of the General Assembly that refer to the right of peoples to self-determination, including in the context of Non-Self-Governing Territories and the use of mercenaries, as well as with regard to the right of the Palestinian people to self-determination.

4. The report refers to the consideration of the issue by the Human Rights Council, in both the provisions of its resolutions and observations made in reports submitted to the Council by special procedures mandate holders.

5. The report also incorporates information on the relevant jurisprudence of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, which is based on their consideration of the periodic reports submitted by the States parties to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in respect of the implementation of the right of all peoples to self-determination guaranteed in common article 1 of the two Covenants.

II. Security Council

6. Further to Security Council resolution 2152 (2014), the Secretary-General submitted the above-mentioned report to the Council on the situation concerning Western Sahara (S/2015/246). That report recalled recent developments in Western Sahara, where the situation during the reporting period remained generally calm. West of the berm, public life proceeded peacefully and included large gatherings at social events in urban areas without major incidents. On the occasions that the United Nations Mission for the Referendum in Western Sahara was able to witness, an extensive presence of Moroccan security forces was noted. A level of discontent was perceptible among the Western Saharan population, illustrated in intermittent demonstrations in Laayoune and other towns. Those events aimed to draw attention to human rights concerns, socioeconomic issues and political demands, including the right to self-determination. The protests were small and the Moroccan security forces dispersed them quickly. On several occasions, credible reports were received about the disproportionate use of force on the part of the security forces and hostile actions on the part of the demonstrators in response.

7. According to the report, investments in the territorial waters adjacent to Western Sahara continued to be a subject of contention between the Government of Morocco and Frente Polisario, given the long-standing dispute regarding the status of Western Sahara. While the Government of Morocco considered that exploration activities had been preceded by wide consultations with the local population and were in conformity with international law, Frente Polisario and Western Saharan civil society organizations spoke out against those activities repeatedly, pointing out that they had not been consulted and that the activities constituted a violation of international law (S/2015/246, para. 62). In that regard, according to the report, it was timely to call upon all relevant actors to recognize the principle that the interests of the inhabitants of these territories were paramount, in accordance with Chapter XI, Article 73, of the Charter of the United Nations (ibid., para. 80).

8. The Secretary-General concluded that growing frustration among Western Saharans and the further decline in the conditions in refugee camps, coupled with the geographic expansion of criminal and extremist networks in the Sahel-Sahara zone, presented increased risks for the stability and security of the region, which would be mitigated by a settlement of the Western Sahara conflict. The Secretary-General reiterated his call for the parties to seriously engage with his Personal Envoy for Western Sahara and to sustain and intensify their efforts to negotiate a mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara, as called for by the Security Council in its resolution 2152 (2014).

9. Having considered the report of the Secretary-General on the situation concerning Western Sahara, the Security Council adopted resolution 2218 (2015) in which it called upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations. The Council reaffirmed its commitment to assist the parties in that regard and noted the role and responsibilities of the parties in that respect.

III. General Assembly

10. During the reporting period, the General Assembly adopted a number of resolutions in which it directly addressed the issue of the universal realization of the right of peoples to self-determination. The resolutions concerned Non-Self-Governing Territories, the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, the question of Western Sahara and the right of the Palestinian people to self-determination.

A. Non-Self-Governing Territories

11. Common article 1.3 of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights makes specific reference to States parties having responsibility for the administration of Non-Self-Governing and Trust Territories and requires that they promote the

realization and respect of the right to self-determination, in conformity with the provisions of the Charter of the United Nations.

12. In its resolution 69/98, the General Assembly reaffirmed the right of the peoples of the Non-Self-Governing Territories to self-determination and their right to the enjoyment of their natural resources and to dispose of those resources in their best interest. It also reaffirmed the responsibility of the administering Powers under the Charter to promote the political, economic, social and educational advancement of the Non-Self-Governing Territories. The Assembly expressed its concern about activities aimed at the exploitation of the natural resources that are the heritage of the peoples of the Non-Self-Governing Territories, including the indigenous populations, in the Caribbean, the Pacific and other regions, and of their human resources, to the detriment of their interests, and in such a way as to deprive them of their right to dispose of those resources.

13. In its resolution 69/101 on the question of Western Sahara, the General Assembly expressed support for the process of negotiations initiated by the Security Council to achieve a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara, and commended the efforts undertaken by the Secretary-General and his Personal Envoy in that respect.

14. In its resolution 69/102 on the question of New Caledonia, the General Assembly expressed the view that adequate measures for conducting the consultations on access to full sovereignty, including a just, fair and transparent electoral roll, as provided in the Nouméa Accord, were essential for the conduct of a free and genuine act of self-determination consistent with United Nations principles and practices. In that regard, it called upon the administering Power to consider developing an education programme to inform the people of New Caledonia about the nature of self-determination so that they might be better prepared to face a future decision on the matter. The Assembly urged all the parties involved, in the interest of the people of New Caledonia and within the framework of the Nouméa Accord, to maintain their dialogue in a spirit of harmony in order to continue to promote a framework for the peaceful progress of the Territory towards an act of self-determination in which all options were open and which would safeguard the rights of all sectors of the population, based on the principle that it was for the populations of New Caledonia to choose how to determine their destiny.

15. In its resolution 69/103 on the question of French Polynesia, the General Assembly reaffirmed that it was ultimately for the people of French Polynesia to determine freely their future political status, and called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of French Polynesia of their right to self-determination and to intensify its dialogue with French Polynesia in order to facilitate rapid progress towards a fair and effective self-determination process, under which the terms and timelines for an act of self-determination would be agreed.

16. In its resolution 69/104 on the question of Tokelau, the General Assembly noted the intention of Tokelau to further review its National Strategic Plan in order to determine development and other priorities beyond 2015, including consideration

of the issue of self-determination and how the Territory would address a possible referendum on self-determination in cooperation with the administering Power.

17. In its resolution 69/105 on the question of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands, the General Assembly reaffirmed that, in the process of decolonization, there was no alternative to the principle of self-determination, which was also a fundamental human right. The Assembly further reaffirmed that it was ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the relevant resolutions of the Assembly and reiterated its long-standing call for the administering Powers, in cooperation with the territorial Governments and appropriate bodies of the United Nations system, to develop political education programmes for the Territories in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options.

18. In that regard, the General Assembly reiterated its request that the Human Rights Committee collaborate with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, within the framework of its mandate on the right to self-determination as contained in the International Covenant on Civil and Political Rights, with the aim of exchanging information.

B. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

19. In its resolution 69/163, the General Assembly condemned mercenary activities in developing countries, in particular in areas of conflict, and the threat they posed to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination. It stressed the importance for the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities. It requested the Office of the United Nations High Commissioner for Human Rights to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and to render advisory services to States that were affected by those activities.

C. The right of the Palestinian people to self-determination

20. The right of the Palestinian people to self-determination, including the right to their independent State of Palestine, was reaffirmed by the General Assembly in its resolution 69/165. In that resolution, the Assembly urged all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

21. The economic aspect of the right to self-determination, namely, the right of peoples to sovereignty over their natural resources, was reaffirmed by the General Assembly with regard to the Palestinian people in its resolution 69/241.

IV. Economic and Social Council

22. In it resolution 2014/25, the Economic and Social Council recommended a number of measures that specialized agencies and international institutions associated with the United Nations should adopt in support of Non-Self-Governing Territories. The Council reaffirmed that the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of the Non-Self-Governing Territories to exercise their right to self-determination entailed, as a corollary, the extension of all appropriate assistance to those peoples, on a case-by-case basis.

V. Human Rights Council

A. Resolutions

23. At its twenty-sixth session, held from 10 to 27 June 2014, the Human Rights Council adopted its resolution 26/27, on human rights and climate change. In that resolution, the Council emphasized that the adverse effects of climate change had a range of implications, both direct and indirect, for the effective enjoyment of human rights, including the right to self-determination.

24. At its twenty-seventh session, held from 8 to 26 September 2014, the Human Rights Council adopted its resolution 27/10, on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. In that resolution, the Council condemned mercenary activities and the threat they posed to the integrity of and respect for the constitutional order of countries and the exercise of the right to self-determination. It also urged all States to take the necessary steps and to exercise the utmost vigilance against the threat posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, were not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination.

25. In its resolution 27/21 on human rights and unilateral coercive measures, adopted at the same session, the Council reaffirmed the right of all peoples to self-determination by virtue of which they freely determined their political status and freely pursued their own economic, social and cultural development.

26. At its twenty-eighth session, held from 2 to 27 March 2015, the Human Rights Council addressed the question of the realization of the right of the Palestinian

people to self-determination through its resolutions 28/25, 28/26 and 28/27.[1] In its resolution 28/25, the Council reaffirmed the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity, and the right to their independent State of Palestine. It confirmed that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources was to be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination and urged all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination.

27. In its resolution 28/26, the Council called upon Israel, the occupying Power, to put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination, and to fulfil its international obligations to provide effective remedy for victims. In its resolution 28/27, the Council stressed the need for Israel to withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination.

28. In its resolution 28/14, on human rights, democracy and the rule of law, the Council reaffirmed the necessity of due respect for sovereignty and the right to self-determination.

B. Special procedures

29. In his third report to the General Assembly (A/69/272), the Independent Expert on the promotion of a democratic and equitable international order discussed the implementation of the right to self-determination as key to the international order envisaged by the Charter of the United Nations.[2]

30. He recalled that self-determination should be seen as a process subject to revision and adjustment, and not as a one-time, extinguishable choice. He distinguished between internal and external self-determination and stated that when human rights were enjoyed by all peoples without discrimination and populations had the feeling that they were in control of their destinies, they would be less disposed to seek external self-determination (see A/69/272, paras. 3 and 13).

31. The Independent Expert surveyed applicable norms and practices and concluded that international peace and security remained at risk as long as peoples had not achieved self-determination, and suffered occupation and exploitation by foreign powers. He stated that the implementation of self-determination was not exclusively within the domestic jurisdiction of the State concerned, but rather was a legitimate concern of the international community (ibid., paras. 10 and 67).

32. The Independent Expert stated that there were multiple ways of exercising self-determination, the implementation of which constituted an important strategy to

[1] The right to self-determination of the Palestinian people was also reaffirmed in Human Rights Council resolution S-21/1. The report of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1 (A/HRC/29/52) also included references to the right of the Palestinian people to self-determination.

[2] See also the report of the Independent Expert to the twenty-seventh session of the Human Rights Council (A/HRC/27/51).

promote national and international stability and prevent ethnic or religious tensions from developing into breaches of local, regional or international peace. He stated that rather than perceiving self-determination as a source of conflict, armed conflict should be seen as a consequence of the violation of the right to self-determination (ibid., paras. 78 and 79).

33. In paragraphs 42 and 44 of her report to the twenty-seventh session of the Human Rights Council (A/HRC/27/52), the Special Rapporteur on the rights of indigenous peoples addressed the challenges faced by indigenous peoples throughout the world, including the nearly universal disadvantageous social and economic conditions of indigenous peoples as compared with the economic and social conditions of the majority of the population in the societies in which they lived. In that regard, the Special Rapporteur referred to the linkages between indigenous peoples' disadvantaged situations and their history of being denied self-determination, land and resource rights. She also stated that responses aimed at bettering the social and economic situation of indigenous peoples had to take that history into account and attempt to restore to indigenous peoples what had been lost, including sufficient land to ensure a basis for economic development, and the means to exercise their self-determination over their development.

34. The Special Rapporteur on the rights to freedom of peaceful assembly and of association, in paragraph 67 of his report to the twenty-ninth session of the Human Rights Council (A/HRC/29/25), also referred to self-determination. He concluded that an environment that allows for the robust exercise of the rights to freedom of peaceful assembly and of association is essential in ensuring that natural resource exploitation is fair, transparent and accountable and benefits citizens. These rights encourage access to information, public participation and free, prior and informed consent and also highlight the gaps in the enjoyment of other rights related to land tenure, the environment and self-determination.

VI. Human rights treaty bodies

35. Article 1, paragraph 1, of the International Covenant on Civil and Political Rights and article 1, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights affirm the right of all peoples to self-determination. It is in that context that the right to self-determination has been addressed by the Human Rights Committee[3] and the Committee on Economic, Social and Cultural Rights in their consideration of the periodic reports of States parties. The relevant concluding observations adopted during the period under review are highlighted below.

A. Concluding observations of the Human Rights Committee

36. During the reporting period, the Human Rights Committee addressed the right to self-determination, including of indigenous peoples, in two concluding observations, adopted at its 111th and 112th sessions.

37. In paragraph 10 of its concluding observations on the sixth periodic report of Chile (CCPR/C/CHL/CO/6), the Committee expressed concern that the land purchase mechanism for indigenous communities was still not sufficiently robust to

[3] See also Human Rights Committee, general comment No. 12 (see HRI/GEN/1/Rev.9 (Vol. I)).

guarantee indigenous peoples' right to their ancestral lands. It recommended that Chile establish an effective consultation mechanism, in line with the principles set forth in article 27 of the International Covenant on Civil and Political Rights, with a view to obtaining indigenous communities' free, prior and informed consent to decisions about projects that affect their rights. It also recommended that the State party intensify its efforts to guarantee the full enjoyment of the right of indigenous peoples to their ancestral lands.

38. In paragraph 17 of its concluding observations on the fourth periodic report of Israel (CCPR/C/ISR/CO/4), the Committee noted with concern that a number of acts by Israel undermined the enjoyment by Palestinians of a wide range of their Covenant rights, including the right to self-determination. It called on the State party to ensure and facilitate non-discriminatory access of Palestinians in the Occupied Palestinian Territories, including East Jerusalem, to land, natural resources, water and sanitation; to put an end to the practice of expropriation of land and allocation of State land for the expansion of settlements; to cease the construction and expansion of settlements in the Occupied Palestinian Territories, including East Jerusalem and the Occupied Syrian Golan, and all settlement-related activities, including the transfer of its own population thereto, and take measures aimed at the withdrawal of all settlers from those territories; and to reroute the Wall consistent with the Advisory Opinion of the International Court of Justice of 9 July 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory and ensure that Palestinians had full access to their lands and livelihood.

B. Concluding observations by the Committee on Economic, Social and Cultural Rights

39. The Committee on Economic, Social and Cultural Rights addressed relevant aspects of the right to self-determination during its fifty-third, fifty-fourth and fifty-fifth sessions in its concluding observations on Chile, Finland, Guatemala, Nepal, Paraguay, Thailand, Uganda and Venezuela (Bolivarian Republic of) with respect to the rights of indigenous peoples.

40. In paragraph 9 of its concluding observations on the sixth periodic report of Finland (E/C.12/FIN/CO/6), the Committee regretted the lengthy process in the recognition of the rights of the Saami people to use their land and to pursue their traditional livelihoods within their homeland. The Committee was concerned about the lack of adequate measures to address the adverse effect of climate change on the Saami people and to ensure that logging and other activities carried out by private actors did not negatively affect the enjoyment of their economic, social and cultural rights. It urged the State party to strengthen its efforts to adopt the necessary legislative and administrative measures to fully and effectively guarantee the Saami people's rights to own their land and to freely dispose of their natural wealth and resources and to seek the prior, free and informed consent of the Saami people before granting licences to private companies for economic activities on territories traditionally occupied or used by the Saami communities.

41. In paragraphs 6 and 7 of its concluding observations on the third periodic report of Guatemala (E/C.12/GTM/CO/3), the Committee expressed concern that the State party had no effective legal mechanism for recognizing the rights of

indigenous peoples as such to obtain collective land titles. It recommended that the State party incorporate mechanisms for recognizing the rights of indigenous peoples over their traditional lands and their natural resources, and that it continue strengthening measures to ensure their effective enjoyment of their economic, social and cultural rights. The Committee further expressed concern that the indigenous peoples were not effectively consulted, nor was their free, prior and informed consent obtained in the decision-making process concerning the exploitation of the natural resources within their traditional lands. It recommended that the State party urgently establish a legal mechanism for conducting such consultations with indigenous peoples.

42. In paragraph 9 of its concluding observations on the third periodic report of Nepal (E/C.12/NPL/CO/3), the Committee expressed concern at information that indigenous peoples were deprived of their traditionally owned lands, territories and resources due to development projects carried out by the State party without seeking their free, prior and informed consent. It recommended that the State party guarantee the right of indigenous peoples to own, use and develop their ancestral lands, territories and resources, so as to enable them to fully enjoy their economic, social and cultural rights, and to seek their free, prior and informed consent before launching any development project.

43. In paragraph 6 of its concluding observations on the fourth periodic report of Paraguay (E/C.12/PRY/CO/4), the Committee expressed concern at the lack of a legal mechanism for ensuring that prior, free and informed consent was obtained from indigenous peoples in relation to decisions that might affect the exercise of their economic, social and cultural rights. The Committee also noted with concern that a significant number of indigenous peoples either still lacked land or had not obtained legal recognition for their land and that, even when their lands were registered, they might still be victims of forced eviction. In addition, the Committee was concerned at the fact that the State party had not yet legally recognized the right of indigenous peoples to dispose freely of their natural wealth and resources or put in place an effective mechanism to enable them to claim their ancestral lands. The Committee urged the State party to take the legislative and administrative measures needed to ensure that free, prior and informed consent was obtained from indigenous peoples in relation to decisions that might directly affect the exercise of their economic, social and cultural rights and to adopt, without delay, the measures needed, including legal recognition and protection, to ensure that indigenous peoples were able to exercise their right to dispose freely of their lands, territories and natural resources.

44. In paragraph 8 of its concluding observations on the fourth periodic report of Chile (E/C.12/CHL/CO/4), the Committee expressed concern regarding the absence of a legal mechanism guaranteeing that the free and informed prior consent of indigenous peoples was obtained with regard to decisions that might affect the exercise of their economic, social and cultural rights. The Committee also expressed concern regarding the limited protection of the right of indigenous peoples to dispose freely of their wealth and natural resources and of their ancestral lands.

45. In paragraph 9 of its concluding observations on the combined initial and second periodic reports of Thailand (E/C.12/THA/CO/1-2), the Committee expressed concern at the lack of recognition of indigenous peoples by the State party, and invited the State party to reconsider its position and give legal and

political recognition to its indigenous peoples based on self-identification. The Committee recommended that Thailand guarantee the right of indigenous peoples to own, use, control and develop the lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired.

46. In paragraph 13 of its concluding observations on the initial report of Uganda (E/C.12/UGA/CO/1), the Committee expressed concern that many indigenous peoples, including the Benet, Batwa and Pastoralist communities, were denied access to their ancestral lands and were prevented from preserving their traditional way of living. The Committee was also concerned about the inadequate definition of indigenous peoples in the State party's Constitution coupled with a complete absence of information on the actual enjoyment of Covenant rights by indigenous peoples. It recommended that the State party recognize indigenous peoples' rights to their ancestral lands and natural resources and that the State party engage in consultations with indigenous peoples to enable them to give their free, prior and informed consent regarding development activities that had an impact on access to their lands.

47. In paragraph 9 of its concluding observations on the third periodic report of Venezuela (E/C.12/VEN/CO/3), the Committee noted with satisfaction that the right of indigenous peoples to be consulted was formally recognized in the State party's legal framework. The Committee expressed concern at the fact that indigenous peoples were not regularly consulted, with full guarantees, especially before the granting of licences for the exploration and exploitation of natural resources. The Committee recommended that the State party adopt the necessary measures to guarantee that it obtains the free, prior and informed consent of indigenous peoples regarding all decisions that might affect the exercise of their economic, social and cultural rights.

VII. Conclusions

48. **The right of peoples to self-determination is of particular importance to the international community, not least because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights.[4] The majority of the main organs of the United Nations continue to discuss and adopt decisions that refer to that right, including the Security Council, the General Assembly, the Economic and Social Council, the Human Rights Council and other key human rights mechanisms.**

49. **During the reporting period, special procedures of the Human Rights Council discussed the implementation of the right to self-determination as key to the international order envisaged in the Charter of the United Nations and to the enjoyment of human rights, addressed challenges faced by indigenous peoples and noted that an environment that allowed for the robust exercise of the rights to freedom of peaceful assembly and of association was essential to ensuring that the exploitation of natural resources was fair, transparent and accountable to and beneficial for citizens. The promotion of those rights encouraged access to information, public participation and free, prior and**

[4] Human Rights Committee, general comment No. 12, para. 1 (see HRI/GEN/1/Rev.9 (Vol. I)).

informed consent and highlighted the gaps in the enjoyment of other rights relating to land tenure, the environment and self-determination.

50. **During the reporting period, human rights treaty bodies referred to a number of issues relating to the realization of the right to self-determination. On several occasions, they expressed concern about difficulties experienced by indigenous peoples in freely pursuing their economic, social and cultural development and about the lack of consultation with indigenous peoples concerning activities that might have an impact on their natural wealth and resources. As stressed by the United Nations High Commissioner for Human Rights, virtually all indigenous peoples have suffered oppression, marginalization and exploitation in history, and too often their rights, including their right to self-determination, continue to be trampled and ignored today.**[5]

51. **All States have an obligation to promote the realization of the right to self-determination and to respect that right, in conformity with the provisions of the Charter of the United Nations. In addition, as noted by the Human Rights Committee in relation to the International Covenant on Civil and Political Rights, States parties to the Covenant should take positive action to facilitate realization of and respect for the right of peoples to self-determination. Such positive action must be consistent with the States' obligations under the Charter and international law. In particular, States must refrain from interfering in the internal affairs of other States and thereby adversely affecting the exercise of the right to self-determination.**[6] **The effective implementation of the right to self-determination will contribute to greater enjoyment of human rights, peace and stability.**

[5] Opening remarks by the United Nations High Commissioner for Human Rights at the eighth session of the Expert Mechanism on the Rights of Indigenous Peoples, held in Geneva from 20 to 24 July 2015. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16251&LangID=E.

[6] Human Rights Committee, general comment No. 12, para. 6 (see HRI/GEN/1/Rev.9 (Vol. I)).